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SEP 22 2008

U.S. PATENT & TRADEMARK OFFICE

REPORT ON THE
 FILING OR DETERMINATION OF AN
 ACTION REGARDING A PATENT OR
 TRADEMARK

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Northern District of California on the following ☐ Patents or ☒ Trademarks:

DOCKET NO. CV 08-04382 MEJ	DATE FILED 9/18/08	U.S. DISTRICT COURT Northern District of California, San Francisco Division
PLAINTIFF INTEL CORP		DEFENDANT INTELLIFE TRAVEL
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 914,978	2,251,961	3,136,102
2 938,772	2,250,491	3,173,391
3 939,641	2,254,525	
4 1,022,563	2,261,531	
5 1,573,324	2,276,580	

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 1,723,243	2,446,693	
2 1,725,692	2,462,327	
3 2,171,778	2,585,051	
4 2,194,121	2,742,714	
5 2,251,962	3,029,954	

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wieking	(BY) DEPUTY CLERK Gloria Acevedo	DATE 9/19/08
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

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FILED

SEP 18 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 D. PETER HARVEY (SBN 55712)
pharvey@harveysiskind.com
2 RAFFI V. ZEROUNIAN (SBN 236388)
rzerounian@harveysiskind.com
3 HARVEY SISKIND LLP
4 Four Embarcadero Center, 39th Floor
San Francisco, CA 94111
5 Telephone: (415) 354-0100
Facsimile: (415) 391-7124
6

7 Attorneys for Plaintiff
8 INTEL CORPORATION
9

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12

13 INTEL CORPORATION, a Delaware
14 corporation,

15 Plaintiff,

16 vs.

17 INTELLIFE TRAVEL, INC., a California
18 corporation,

19 Defendant.
20

Case No. 08-2182 MEJ

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

21 Plaintiff Intel Corporation ("Intel") alleges as follows:

22 1. This action arises from unauthorized use of the trade name and trademark INTELLIFE,
23 INTELLIFE TRAVEL, INTELLIFETRAVEL, and the domain name www.intellifetravel.com, by
24 Intellife Travel, Inc. ("Intellife").

25 2. By using a trade name and trademark that wholly incorporate and emphasize the world
26 famous INTEL[®] trademark, Intellife has caused and is likely to continue to cause confusion that Intel is
27 the source or sponsor of Intellife's services, or that there is an association between Intel and Intellife.
28 In addition, Intellife's acts are causing, and/or are likely to cause, dilution of the INTEL[®] trademark.

1 Consequently, Intel seeks injunctive relief and damages under the federal Lanham Act (15 U.S.C.
2 §§ 1051, *et seq.*), the California Business and Professions Code, and the common law doctrines of
3 passing off and unfair competition.

4 I. JURISDICTION

5 3. This Court has personal jurisdiction over Intellife because, on information and belief, it
6 conducts business in the State of California and within this judicial district, and resides within this
7 judicial district.

8 4. This Court has jurisdiction over this matter pursuant to 15 U.S.C. § 1121 and 28 U.S.C.
9 §§ 1331, 1332, 1338 and 1367. Intel's claims are, in part, based on violations of the Lanham Act, as
10 amended, 15 U.S.C. §§ 1051, *et seq.* The Court has jurisdiction over the state law claims pursuant to
11 28 U.S.C. §§ 1332, 1338(b), and 1367.

12 5. Venue lies in the Northern District of California pursuant to 28 U.S.C. § 1391(b) and
13 (c). Intel is informed and believes that Intellife resides in this judicial district, transacts or has
14 transacted business in this judicial district and may be otherwise found here, and a substantial part of
15 the events, omissions, and injuries giving rise to Intel's claims occurred in this judicial district.

16 II. INTRADISTRICT ASSIGNMENT

17 6. This is an intellectual property action and therefore shall be assigned on a district-wide
18 basis per Civil L.R. 3-2(c).

19 III. THE PARTIES

20 7. Plaintiff Intel is a Delaware corporation having its principal place of business at 2200
21 Mission College Boulevard, Santa Clara, California, which is located in the Northern District of
22 California. Intel offers a wide variety of goods and services, which are sold worldwide and throughout
23 the United States, including in the Northern District of California.

24 8. Upon information and belief, Intellife Travel, Inc has a principal place of business at
25 4800 Great American Parkway, Suite 222, Santa Clara, California 95054, which is located in the
26 Northern District of California. Intellife primarily offers travel agency services under the INTELLIFE
27 mark. Intellife promotes its services at the website www.intellifetravel.com. Upon information and
28

1 belief, Intellife targets customers nationwide over its website, including customers in California and
2 this judicial district, and has customers within this state and this judicial district.

3 IV. INTEL'S BUSINESS AND MARKS

4 9. Intel is a world-famous company that develops, manufactures and sells a wide variety of
5 computer, communications and internet-related products and services including components used for
6 web site design and hosting, marketing, consulting, business management, financial services, and new
7 technology development. Intel's customers include individual consumers, businesses, schools, and the
8 government.

9 10. For 40 years, Intel has used INTEL as a trade name, trademark and service mark to
10 identify virtually its entire line of products and services. INTEL is one of the most valuable, respected
11 and famous names and trademarks in the world. Indeed, *The Wall Street Journal* has regularly
12 recognized the INTEL mark as one of America's most valuable brand names. From 1995 to 2000,
13 *Fortune* magazine recognized Intel as one of the top ten "Most Admired Corporations in America," and
14 honor Intel has shared alongside such companies as General Electric, Microsoft and Coca-Cola. In
15 2007, the INTEL brand was ranked seventh in the world in Interbrand's Best Global Brands survey,
16 with an estimated value of \$31 billion.

17 11. As would be expected, Intel has offered myriad services over the years, including
18 consulting, training, and educational services, and continues to offer such services. It sponsors forums,
19 initiatives, and foundations that affect industries within and outside of the computer industry. The use
20 of Intel's products and services by travel agencies has been heavily publicized, including uses by
21 Nippon Travel Agency, Japan's oldest travel agency with over 250 locations. In addition, it is well
22 known that Intel's worldwide headquarters is located in Santa Clara, California, and Intel accordingly
23 has a significant presence in the business and social cultures of Santa Clara. Intellife's principal place
24 of business is also in Santa Clara, California, located just over a mile away from Intel.

25 12. Intel uses INTEL as its "house mark" on or in connection with virtually every product
26 and service it sells. Intel also regularly uses its INTEL house mark in conjunction with hundreds of
27 other terms as the names of particular goods or services. Thus, consumers are accustomed to seeing
28 the INTEL mark combined with other terms to identify goods and services that originate from Intel. In

1 2007 alone, Intel sold over \$38.3 billion of INTEL branded goods and services and, in the last twelve
2 years, Intel has sold over \$364 billion of goods and services under the INTEL name and mark.

3 13. Intel is the owner of numerous U.S. trademark registrations for the mark INTEL,
4 including the following:

5 a. Intel is the owner of U.S. Trademark Registration Nos. 914,978 and 938,772
6 issued on June 15, 1971 and July 25, 1972, respectively, for the mark INTEL for use in connection
7 with integrated circuits, registers and semiconductor memories and equipment for the testing and
8 programming thereof. These registrations, duly and legally issued by the United States Patent and
9 Trademark Office, are valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the
10 notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C. § 1111. Copies of these
11 registrations are attached hereto as Exhibits A and B.

12 b. Intel is the owner of U.S. Trademark Registration No. 939,641 issued on August 1,
13 1972 for the mark INTEL for use in connection with integrated circuits, registers, and semiconductor
14 memories. This registration, duly and legally issued by the United States Patent and Trademark
15 Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of
16 registration, "®," with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is
17 attached hereto as Exhibit C.

18 c. Intel is the owner of U.S. Trademark Registration No. 1,022,563, issued on October
19 14, 1975, for the mark INTEL for use in connection with microcomputers, microcontrollers, and
20 microprocessors. This registration, duly and legally issued by the United States Patent and Trademark
21 Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of
22 registration, "®," with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is
23 attached hereto as Exhibit D.

24 d. Intel is the owner of U.S. Trademark Registration No. 1,573,324, issued on
25 December 26, 1989, for the mark INTEL for use in connection with printed material, namely, technical
26 manuals, pamphlets, user and product manuals, all of which relate to the field of information and data
27 technology and semiconductor devices. This registration, duly and legally issued by the United States
28 Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065.

1 Intel uses the notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy
2 of this registration is attached hereto as Exhibit E.

3 e. Intel is the owner of U.S. Trademark Registration No. 1,723,243, issued on
4 October 13, 1992, for the mark INTEL for use in connection with metal key rings, watches, note paper,
5 note cards, posters, microprocessor chip die plot prints as art prints, pencils, ball point pens, ink pens
6 and stationery folders; plastic key chain tags; mugs and water bottles sold empty, jigsaw puzzles, golf
7 balls, golf tees and golf ball markers. This registration, duly and legally issued by the United States
8 Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065.

9 Intel uses the notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy
10 of this registration is attached hereto as Exhibit F.

11 f. Intel is the owner of U.S. Trademark Registration No. 1,725,692, issued on
12 October 20, 1992, for the mark INTEL for use in connection with, among other things, sports bags,
13 gym bags and carry-on bags; towels, and clothing. This registration, duly and legally issued by the
14 United States Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15
15 U.S.C. § 1065. Intel uses the notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C. §
16 1111. A copy of this registration is attached hereto as Exhibit G.

17 g. Intel is the owner of U.S. Trademark Registration No. 2,171,778, issued on July 7,
18 1998, for the mark INTEL for use in connection with, among other things, computer operating system
19 software, computer hardware, integrated circuits, integrated circuit chips, microprocessors, printed
20 circuit boards, video circuit boards, audio-video circuit boards, video graphic accelerators, multimedia
21 accelerators, video processors, computer hardware and software for the development, maintenance, and
22 use of interactive audio-video computer conference systems, and computer hardware and software for
23 the receipt, display and use of broadcast video, audio and data signals. This registration, duly and
24 legally issued by the United States Patent and Trademark Office, is valid, subsisting, and incontestable
25 pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, "®," with its INTEL mark pursuant
26 to 15 U.S.C. § 1111. A copy of this registration is attached hereto as Exhibit H.

27 h. Intel is the owner of U.S. Trademark Registration No. 2,194,121 issued on
28 October 6, 1998, for the mark INTEL for use in connection with, among other things, printed

1 materials, namely, books, magazines, newsletters, journals, operating manuals, users guides,
2 pamphlets, and brochures about, for use with and directed to users of, computer operating system
3 software; computer operating programs; computer system tools; computer application software;
4 computer hardware; computer components; integrated circuits; microprocessors; computer memory
5 devices; video graphic accelerators; multimedia accelerators; video processors; and fax/modems. This
6 registration, duly and legally issued by the United States Patent and Trademark Office, is valid,
7 subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, "®,"
8 with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as
9 Exhibit I.

10 i. Intel is the owner of U.S. Trademark Registration No. 2,251,962 issued on June 8,
11 1999, for the mark INTEL for use in connection with clocks, jewelry, cuff links, key chains, necklaces,
12 necktie fasteners, lapel pins, pendants, piggy banks, trophies and watches. This registration, duly and
13 legally issued by the United States Patent and Trademark Office, is valid, subsisting, and incontestable
14 pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, "®," with its INTEL mark pursuant
15 to 15 U.S.C. § 1111. A copy of this registration is attached hereto as Exhibit J.

16 j. Intel is the owner of U.S. Trademark Registration No. 2,251,961 issued on June 8,
17 1999, for the mark INTEL for use in connection with binders, bookends, boxes for pens, calendars,
18 tablets, note cards, self-adhesive pads, desk pads, and calendar pads, pens, pencils, folders,
19 paperweights, pen and pencil holders, photograph stands, erasers, markers, desk sets, and desk
20 organizers. This registration, duly and legally issued by the United States Patent and Trademark
21 Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of
22 registration, "®," with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is
23 attached hereto as Exhibit K.

24 k. Intel is the owner of U.S. Trademark Registration No. 2,250,491 issued on June 1,
25 1999, for the mark INTEL for use in connection with travel bags, luggage, school bags, back packs,
26 beach bags, duffel bags, fanny packs, and umbrellas. This registration, duly and legally issued by the
27 United States Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15
28

1 U.S.C. § 1065. Intel uses the notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C. §
2 1111. A copy of this registration is attached hereto as Exhibit L.

3 l. Intel is the owner of U.S. Trademark Registration No. 2,254,525 issued on June 15,
4 1999, for the mark INTEL for use in connection with T-shirts, shirts, jackets, headwear, hats, polo
5 shirts, and infant rompers. This registration, duly and legally issued by the United States Patent and
6 Trademark Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the
7 notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this
8 registration is attached hereto as Exhibit M.

9 m. Intel is the owner of U.S. Trademark Registration No. 2,261,531 issued on
10 July 13, 1999, for the mark INTEL for use in connection with toys, dolls, bean bags, and Christmas
11 tree ornaments. This registration, duly and legally issued by the United States Patent and Trademark
12 Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of
13 registration, "®," with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is
14 attached hereto as Exhibit N.

15 n. Intel is the owner of U.S. Trademark Registration No. 2,276,580 issued on
16 September 7, 1999 for the mark INTEL for use in connection with mugs and sports bottles. This
17 registration, duly and legally issued by the United States Patent and Trademark Office, is valid,
18 subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, "®,"
19 with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as
20 Exhibit O.

21 o. Intel is the owner of U.S. Trademark Registration No. 2,446,693, issued on
22 April 24, 2001, for the mark INTEL for use in connection with, among other things, computers,
23 computer hardware, software for use in operating and maintaining computer systems, microprocessors,
24 integrated circuits, computer chipsets, computer motherboards, computer graphics boards, and
25 computer networking hardware. This registration, duly and legally issued by the United States Patent
26 and Trademark Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses
27 the notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this
28 registration is attached hereto as Exhibit P.

1 p. Intel is the owner of U.S. Trademark Registration No. 2,462,327, issued on June 19,
2 2001, for the mark INTEL for use in connection with, among other things, computer hardware and
3 software for use in imaging and photographic applications. This registration, duly and legally issued
4 by the United States Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15
5 U.S.C. § 1065. Intel uses the notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C.
6 § 1111. A copy of this registration is attached hereto as Exhibit Q.

7 q. Intel is the owner of U.S. Trademark Registration No. 2,585,551, issued on June 25,
8 2002, for the mark INTEL for use in connection with, among other things, computer hardware
9 installation and repair services; arranging and conducting educational conferences and seminars in the
10 fields of computers, telecommunications, and computer networking, and distributing course materials
11 in connection therewith; development, publishing and dissemination of educational materials in the
12 fields of computers, telecommunications and computer networking for others; interactive and non-
13 interactive computer education training services; providing information via global computer network
14 in the fields of education and entertainment; provision of interactive and non-interactive electronic
15 information services on a wide variety of topics; development of local and wide area computer
16 networks for others; computer web site design services; computer software design for others;
17 development of interactive and non-interactive web pages for the global computer network for others;
18 providing on-line newspapers, magazines, instructional manuals in the fields of technology,
19 entertainment, education and business; and development, maintenance, and provision of interactive and
20 non-interactive electronic bulletin boards services in the fields of entertainment and education. This
21 registration, duly and legally issued by the United States Patent and Trademark Office, is valid and
22 subsisting. Intel uses the notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C.
23 § 1111. A copy of this registration is attached hereto as Exhibit R.

24 r. Intel is the owner of U.S. Trademark Registration No. 2,742,174, issued on July 29,
25 2003, for the mark INTEL for use in connection with, among other things, installation, repair,
26 maintenance, support and consulting services for computer-related and communications-related goods;
27 providing on-line publications, namely, books, brochures, white papers, catalogs and pamphlets in the
28 fields of computer and information technology; and designing and developing standards for others in

1 the design and implementation of computer software, computer hardware and telecommunications
2 equipment. This registration, duly and legally issued by the United States Patent and Trademark
3 Office, is valid and subsisting. Intel uses the notice of registration, "®," with its INTEL mark pursuant
4 to 15 U.S.C. § 1111. A copy of this registration is attached hereto as Exhibit S.

5 s. Intel is the owner of U.S. Trademark Registration No. 3,029,954, issued on
6 December 13, 2005, for the mark INTEL for use in connection with, among other things,
7 semiconductor and microprocessor cartridges; internet and web servers; internet and web caching
8 servers; wireless and remote computer peripherals; computer hardware and software for enabling web
9 portals; computer hardware and software for digital encryption, identification and certification;
10 computer hardware and software to enable remote encrypted networking; computer hardware and
11 software to enable secure data transmission via networks, the internet and world wide web; and
12 computer consultation services, namely, web design and development services. This registration, duly
13 and legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses
14 the notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this
15 registration is attached hereto as Exhibit T.

16 t. Intel is the owner of U.S. Trademark Registration No. 3,136,102, issued on August
17 29, 2006, for the mark INTEL for use in connection with telecommunication services, namely,
18 electronic and digital transmission of data, documents, audio and video via computer terminals. This
19 registration, duly and legally issued by the United States Patent and Trademark Office, is valid and
20 subsisting. Intel uses the notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C.
21 § 1111. A copy of this registration is attached hereto as Exhibit U.

22 u. Intel is the owner of U.S. Trademark Registration No. 3,173,391, issued on
23 November 21, 2006, for the mark INTEL for use in connection with telecommunications consulting
24 services. This registration, duly and legally issued by the United States Patent and Trademark Office,
25 is valid and subsisting. Intel uses the notice of registration, "®," with its INTEL mark pursuant to 15
26 U.S.C. § 1111. A copy of this registration is attached hereto as Exhibit V.

27 14. In addition to using INTEL as a trade name, a trademark, and a service mark, Intel also
28 owns a large family of marks that incorporate INTEL as a prominent component of the mark. For

1 example, in 1991, Intel developed and launched a cooperative advertising and licensing program
2 referred to as the "Intel Inside® Program." As part of this program, Intel adopted and began to use the
3 trademarks INTEL INSIDE and INTEL INSIDE & SWIRL Logo (collectively referred to as the
4 "INTEL INSIDE Marks"). Additionally, it licensed the INTEL INSIDE Marks to PC manufacturers to
5 communicate to the end customer that the manufacturers' products, such as personal desktop
6 computers, laptop computers and workstations, were designed with genuine Intel microprocessors.
7 Among Intel's many thousands of OEM ("Original Equipment Manufacturers") licensees worldwide
8 are giants of the computer industry such as Dell, Gateway, Hewlett-Packard, IBM, and Sony. Intel's
9 OEM licensees have undoubtedly sold many billions of dollars worth of computer products bearing the
10 INTEL INSIDE Marks (this ubiquitous mark was changed in 2006 to the INTEL mark). The
11 combined advertising expenditure by Intel and Intel's licensees under the INTEL INSIDE Marks has
12 averaged over one billion dollars for each of the last few years. Through extensive advertising and
13 promotion by Intel and its licensees, advertisements reflecting the INTEL and INTEL INSIDE Marks
14 have most likely created billions of impressions.

15 15. Intel is the owner of numerous U.S. trademark registrations for the INTEL INSIDE
16 Marks, including Reg. No. 1,705,796 and Reg. No. 2,179,209. Copies of these registrations are
17 attached hereto as Exhibits W and X.

18 16. Intel owns many other U.S. trademark registrations for its family of INTEL formative
19 marks. These include: INTEL INSIDE PENTIUM 4 HT, INTEL INSIDE PENTIUM 4HT
20 EXTREME EDITION, INTEL SPEEDSTEP, INTEL NETMERGE, INTEL NETBURST, INTEL
21 NETSTRUCTURE, INTEL VIIV, INTEL CORE, INTEL LEAP AHEAD, and INTEL CORE DUO
22 INSIDE. Copies of these registrations are attached hereto as Exhibits Y through RR.

23 17. Intel is also the owner of several California trademark registrations for the mark INTEL
24 (CA Reg. No. 63565; CA Reg. No. 94220; CA Reg. No. 94221). Copies of these registrations are
25 attached hereto as Exhibits SS through UU.

26 18. Through its extensive use, Intel also owns common law trademark rights in INTEL and
27 its family of INTEL-formative marks, for all of the goods and services and activities identified herein.
28

1 19. Intel maintains an internet site on the World Wide Web at the address
2 <http://www.intel.com>. Intel has used its trade name and trademark as an internet address in order to
3 make it easy for customers to locate Intel's web site, and to identify that the web site is owned by Intel.
4 Intel's web site features the INTEL marks and many other INTEL composite marks.

5 20. As a consequence of the extensive sales, advertising, promotion, and use of the INTEL
6 and INTEL formative trademarks, Intel has developed enormous recognition for its products and
7 services under the INTEL mark and has acquired and enjoys an immensely valuable reputation and
8 tremendous goodwill under the mark. The INTEL mark is world renowned, and is a "famous" mark
9 for purposes of 15 U.S.C. § 1125(c)(1).

10 **V. INTELLIFE'S BUSINESS**

11 21. Intellife, which maintains a website at www.intellifetravel.com, provides travel agency
12 services under the INTELLIFE mark. Intellife is located in Santa Clara, California, which is also the
13 location of Intel's worldwide headquarters.

14 22. The INTELLIFE trade name and trademark wholly incorporate and emphasize the
15 INTEL trademark. The primary and dominant portion of the INTELLIFE trade name and trademark is
16 INTEL, which is identical to Intel's world famous INTEL mark.

17 23. Despite Intel's attempts to resolve the dispute amicably, Intellife has persisted in using
18 the INTELLIFE trade name and trademark, leaving Intel no choice but to file this Complaint.

19 **FIRST CAUSE OF ACTION**
20 **FEDERAL TRADEMARK DILUTION**
21 **(15 U.S.C. § 1125(C))**

22 24. Intel realleges and incorporates herein by reference the matters alleged in paragraphs
23 1 through 23 of this Complaint.

24 25. The INTEL mark is world-renowned. It is a famous mark that is widely recognized by
25 consumers, businesses and industry, and that identifies the products and services of Intel in the minds
26 of consumers.

27 26. Intellife's unauthorized use of the INTELLIFE trade name and trademark began after
28 Intel's mark had become famous.

1 27. Intellife's unauthorized use of the INTELLIFE trade name and trademark has, and will
2 continue to have, an adverse effect upon the value and distinctive quality of the INTEL mark.
3 Intellife's acts blur and whittle away at the distinctiveness and identity-evoking quality of the INTEL
4 mark. Intellife's acts have diluted and are likely to continue diluting the famous INTEL mark in
5 violation of 15 U.S.C. § 1125(c).

6 28. Intel has been, is now, and will be irreparably injured and damaged by Intellife's
7 aforementioned acts, and unless enjoined by the Court, Intel will suffer further harm to its name,
8 reputation and goodwill. This harm constitutes an injury for which Intel has no adequate remedy at
9 law.

10
11 **SECOND CAUSE OF ACTION**
12 **TRADEMARK INFRINGEMENT**
13 **(15 U.S.C. § 1114)**

14 29. Intel realleges and incorporates herein by reference the matters alleged in Paragraphs
15 1 through 28 of this Complaint.

16 30. Upon information and belief, Intellife was aware of Intel's business and its INTEL mark
17 prior to the adoption and use of the INTELLIFE trade name and trademark.

18 31. Intellife either had actual notice and knowledge, or had constructive notice, of Intel's
19 ownership and registrations of the INTEL mark pursuant to 15 U.S.C. § 1072 prior to Intellife's
20 adoption and use of the INTELLIFE trade name and trademark.

21 32. Intellife is using the INTELLIFE trade name and trademark in connection with the
22 offering of services without Intel's consent, and with knowledge of Intel's rights.

23 33. Intellife's unauthorized use of the INTELLIFE trade name and trademark falsely
24 indicates to consumers that Intellife's services are in some manner connected with, sponsored by,
25 affiliated with, or related to Intel, Intel's licensees, or the goods and services of Intel and Intel's
26 licensees.

27 34. Intellife's unauthorized use of the INTELLIFE trade name and trademark is also likely
28 to cause consumers to be confused as to the source, nature and quality of the services Intellife offers.

1 35. Intellife's unauthorized use of the INTELLIFE trade name and trademark in connection
2 with the offering of its services allows, and will continue to allow, Intellife to receive the benefit of the
3 goodwill established at great labor and expense by Intel and to gain acceptance of Intellife's services,
4 not based on the merits of those goods or services, but on Intel's reputation and goodwill.

5 36. Intellife's unauthorized use of the INTELLIFE trade name and trademark in connection
6 with the sale of its services deprives Intel of the ability to control the consumer perception of the
7 quality of the goods and services marketed under the INTEL mark, and places Intel's valuable
8 reputation and goodwill in the hands of Intellife, over which Intel has no control.

9 37. Intellife is likely to cause further confusion, or to cause mistake, or to deceive
10 consumers or potential consumers in violation of 15 U.S.C. § 1114.

11 38. Intel has been, is now, and will be irreparably injured and damaged by Intellife's
12 trademark infringement, and unless enjoined by the Court, Intel will suffer further harm to its name,
13 reputation and goodwill. This harm constitutes an injury for which Intel has no adequate remedy at
14 law.

15 **THIRD CAUSE OF ACTION**
16 **FALSE DESIGNATION OF ORIGIN**
 (15 U.S.C. § 1125(A))

17 39. Intel realleges and incorporates herein by reference the matters alleged in Paragraphs
18 1 through 38 of this Complaint.

19 40. Intellife's unauthorized use of the INTELLIFE trade name and trademark falsely
20 suggests that its services are connected with, sponsored by, affiliated with, or related to Intel, and
21 constitutes a false designation of origin in violation of 15 U.S.C. § 1125(a).

22 41. Intel has been, is now, and will be irreparably injured and damaged by Intellife's
23 aforementioned acts, and unless enjoined by the Court, Intel will suffer further harm to its name,
24 reputation and goodwill. This harm constitutes an injury for which Intel has no adequate remedy at
25 law.

26 **FOURTH CAUSE OF ACTION**
27 **INJURY TO BUSINESS REPUTATION AND**
 DILUTION UNDER CALIFORNIA LAW
 (CAL. BUS. & PROF. CODE §14247)

1 42. Intel realleges and incorporates herein by reference the matters alleged in paragraphs
2 1 through 41 of this Complaint.

3 43. Intellife's unauthorized use of the INTELLIFE trade name and trademark is likely to
4 injure Intel's business reputation, and has diluted, and/or is likely to dilute, the distinctive quality of
5 the INTEL mark and trade name in violation of the California Business and Professions Code §14247.

6 44. Intellife willfully intended to trade on Intel's image and reputation and to dilute the
7 INTEL trademark, acted with reason to know, or was willfully blind as to the consequences of its
8 actions.

9 45. Intellife's wrongful acts have caused and will continue to cause Intel irreparable harm.
10 Intel has no adequate remedy at law for Intellife's dilution.

11 46. Intel is therefore entitled to a judgment enjoining and restraining Intellife from engaging
12 in further acts of dilution pursuant to California Business and Professions Code § 14247.

13 **FIFTH CAUSE OF ACTION**
14 **INFRINGEMENT UNDER CALIFORNIA LAW**
15 **(CAL. BUS. & PROF. CODE § 14245)**

16 47. Intel realleges and incorporates herein by reference the matters alleged in Paragraphs
17 1 through 46 of this Complaint.

18 48. Intellife's unauthorized use of the INTELLIFE trade name and trademark in connection
19 with the sale, offering for sale, distribution or advertising of its services is likely to cause confusion or
20 mistake or to deceive as to the source or origin of its services in violation of California Business and
21 Professions Code § 14245.

22 49. Upon information and belief, Intellife's infringement has been with knowledge of
23 Intel's rights.

24 50. Intel has been, is now, and will be irreparably injured and damaged by Intellife's
25 aforementioned acts, and unless enjoined by the Court, Intel will suffer further harm to its name,
26 reputation and goodwill. This harm constitutes an injury for which Intel has no adequate remedy at
27 law.
28

1 **SIXTH CAUSE OF ACTION**
2 **COMMON LAW PASSING OFF**
3 **AND UNFAIR COMPETITION**

4 51. Intel realleges and incorporates herein by reference the matters alleged in paragraphs
5 1 through 50 of this Complaint.

6 52. Intellife's unauthorized use of the INTELLIFE trade name and trademark constitutes
7 passing off and unfair competition of the INTEL mark in violation of the common law of California.

8 53. Intellife's wrongful acts have caused and will continue to cause Intel irreparable harm.
9 Intel has no adequate remedy at law.

10 54. Intel is entitled to a judgment enjoining and restraining Intellife from engaging in
11 further acts of infringement and unfair competition.

12 **SEVENTH CAUSE OF ACTION**
13 **UNFAIR COMPETITION**
14 **(CAL. BUS & PROF. CODE § 17200)**

15 55. Intel realleges and incorporates herein by reference the matters alleged in Paragraphs 1
16 through 54 of this Complaint.

17 56. Intellife's acts described above constitute unfair competition in violation of California
18 Business and Professional Code § 17200 et seq., as they are likely to deceive the public.

19 57. Intellife's acts of unfair competition have caused and will continue to cause Intel
20 irreparable harm. Intel has no adequate remedy at law for Intellife's unfair competition.

21 58. Intel is entitled to a judgment enjoining and restraining Intellife from engaging in
22 further unfair competition.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Intel prays for relief as follows:

25 1. Entry of an order and judgment requiring that Intellife and its officers, agents, servants,
26 employees, owners and representatives, and all other persons, firms or corporations in active concert or
27 participation with it, be enjoined and restrained from (a) using in any manner the INTEL mark, or any
28 name, mark or domain name that wholly incorporates the INTEL mark or is confusingly similar to or a
colorable imitation of this mark, including, without limitation, any trade name and trademark
incorporating the term "INTELLIFE;" (b) doing any act or thing calculated or likely to cause

1 confusion or mistake in the minds of members of the public, or prospective customers of Intel's
2 products or services, as to the source of the products or services offered for sale, distributed, or sold, or
3 likely to deceive members of the public, or prospective customers, into believing that there is some
4 connection between Intellife and Intel; and (c) committing any acts which will tarnish, blur, or dilute,
5 or are likely to tarnish, blur, or dilute the distinctive quality of the famous INTEL mark;

6 2. A judgment ordering Intellife, pursuant to 15 U.S.C. § 1116(a), to file with this Court
7 and serve upon Intel within thirty (30) days after entry of the injunction, a report in writing under oath
8 setting forth in detail the manner and form in which Intellife has complied with the injunction, ceased
9 all sales of goods and services under the INTELLIFE trade name and trademark as set forth above;

10 3. A judgment ordering Intellife, pursuant to 15 U.S.C. § 1118, to deliver up for
11 destruction, or to show proof of said destruction or sufficient modification to eliminate the infringing
12 matter, all articles, packages, wrappers, products, displays, labels, signs, vehicle displays or signs,
13 circulars, kits, packaging, letterhead, business cards, promotional items, clothing, literature, sales aids,
14 receptacles or other matter in the possession, custody, or under the control of Intellife or its agents
15 bearing the trademark INTEL in any manner, or any mark that is confusingly similar to or a colorable
16 imitation of this mark, including without limitation the INTELLIFE trade name and trademark, both
17 alone and in combination with other words or terms;

18 4. A judgment ordering Intellife to take all steps necessary to cancel or remove the name
19 Intellife from the records of the California Secretary of State, and any other states in which Intellife is
20 licensed to do business, and any related fictitious business names from the records of the offices of the
21 Secretary of State of each state or the clerk of any county in which Intellife or its other entities are
22 incorporated and qualified to do business, and to otherwise take all steps necessary to change Intellife's
23 business name;

24 5. A judgment ordering Intellife to take all steps necessary to cancel the domain name
25 www.intellife.com and to remove all references to the INTELLIFE trade name and trademark from all
26 of its other websites, if any;

27 6. A judgment in the amount of Intel's actual damages, Intellife's profits, Intel's
28 reasonable attorneys' fees and costs of suit, and pre-judgment interest pursuant to 15 U.S.C. §1117;

1 7. A judgment for enhanced damages under 15 U.S.C. §1117 and punitive damages under
2 state law as appropriate;

3 8. A judgment granting Intel such other and further relief as the Court deems just and
4 proper.

5
6 Dated: September 18, 2008

Respectfully submitted,

HARVEY SISKIND LLP
D. PETER HARVEY
RAFFI V. ZEROUNIAN

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11 By: 


Raffi V. Zerounian

12 Attorneys for Plaintiff
13 INTEL CORPORATION
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Dated: September 18, 2008

HARVEY SISKIND LLP
D. PETER HARVEY
RAIFI V. ZEROUNIAN


Raffi V. Zerounian

Attorneys for Plaintiff
INTEL CORPORATION